

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

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| UNITED STATES OF AMERICA | § | |
| | § | |
| VS. | § | CRIMINAL NO. H-09-520-MJ |
| | § | |
| YUHUI CHEN, YONG SHI | § | |
| and ZHI YONG YAN | § | |

OPINION AND ORDER

On November 9, 2009, this Court held a Hearing on the “Motion to Reconsider Detention Order” of the material witnesses Yuhui Chen, Yong Shi and Zhi Yong Yan, and the Government’s “Motion to Extend Motion to Detain and Depose Material Witnesses.” The Court, having considered the Motions, the arguments of counsel and the applicable law is of the opinion that the following Orders are appropriate.

Given the uncertain future status of the material witnesses before the Court, and in all fairness to the Defendant, Mehmood Khan, United States v. Chen, 214 F.R.D. 578, 582 (N.D. Cal. 2003), see also, United States v. Mercedes, 164 F.Supp. 248, 250 (D. Puerto Rico 2001), it is **ORDERED** that the witnesses’ Motion to Reconsider is **DENIED**, subject to reconsideration, without refiling, at an appropriate time in the future after the issue of their depositions has been resolved.

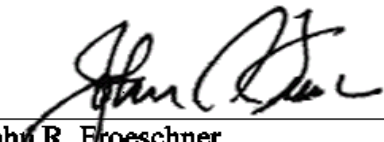
It is further **ORDERED** that the Government’s Motion to Extend is **GRANTED**, Chen, 214 F.R.D. at 582.

Having been informed by the Government that Khan is scheduled to arrive in Houston on November 13, 2009, in the custody of the United States Marshal Service, it is further **ORDERED** that the Government **SHALL** promptly file its Motion to Depose the material witnesses in

compliance with 18 U.S.C. § 3144 and Rule 15 of the Federal Rules of Criminal Procedure, see United States v. Fuentes-Galindo, 929 F.2d 1507, 1509 (10th Cir. 1991).

It is further **ORDERED** that this Court **WILL** conduct a **Hearing**, with the Government, the material witnesses and Khan all present, on **Thursday, November 19, 2009, at 1:00 p.m.**, at the United States Courthouse, Courtroom 8-B, 8th Floor, 515 Rusk, Houston, Texas, to consider the Government's Motion to Depose the material witnesses.

DONE at Houston, Texas, this 10th day of November, 2009.



John R. Froeschner
United States Magistrate Judge